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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

Kenneth A. Parulski et al.

Title:

**AN ELECTRONIC STILL CAMERA
FOR CAPTURING AND
CATEGORIZING IMAGES**

Serial No. 09/313,535

Filed: May 13, 1999

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 2612

Examiner: Aung S. Moe

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April 8, 2005

REPLY BRIEF

This Reply Brief is submitted in response to the Examiner's Answer
dated February 9, 2005 in the above-referenced application.

ARGUMENT

Applicants initially note that the Examiner has withdrawn the §112
rejection of claims 1-15, 26-28, 30, 31, 35 and 36, corresponding to Issue 1 in the
Supplemental Appeal Brief. Accordingly, this issue no longer exists, as acknowledged
by the Examiner on page 3 of the Answer.

On pages 4-8 of the Answer, the Examiner addresses the §103(a)
rejection of claims 1-7, 9, 10, 12, 13, 15, 28-31, 33 and 35-38 over Yamada et al.
(Japanese Patent Application No. Hei 5-344460) in view of Sarbadhikari et al. (U.S.
Patent No. 5,477,264), corresponding to Issue 2 in the Supplemental Appeal Brief.

Each of independent claims 1, 29 and 30 calls for assigning selected tag
names to captured images in an electronic camera. More particularly, the claims

specify that each tag name provides classification of two or more captured images. In addition, image files corresponding to the captured images are stored in tag name files corresponding to the selected tag names. The claims require that there are two or more tag name files and that each tag name file stores two or more image files. It is believed that the proposed combination of Yamada et al. and Sarbadhikari et al. fails to teach or suggest an arrangement involving generation of a separate tag name file with storage of multiple image files into the separate tag name file as claimed.

The Examiner at page 7, paragraphs 2 and 3, of the Answer argues that Yamada et al. in FIG. 13 and paragraph [0020] thereof show such an arrangement. More specifically, the Examiner argues as follows:

[T]he Appellant further argues that “there is no indication in Yamada et al. that a given image file associated with the large classification code of FIG. 13 is stored into a separate tag name file corresponding to the selected tag name, as would be required by the claims.”

In response, the Examiner respectfully disagrees because if the *image files* are not stored into a separate *tag name file* corresponding to the selected *tag name* as alleged by Appellant, then it would be impossible to retrieve or reproduce a specific *image file* by entering a selected *tag name*, and this is the sole intention of the system of Yamada et al.

Thus, the Examiner argues that it is impossible for the Yamada et al. system to retrieve particular images unless it uses a technique that reads on the claimed arrangement. However, this is not the case. The claimed invention, as noted above, involves generation of a separate tag name file with storage of multiple image files into the separate tag name file. The claim limitations at issue thus relate to the tag name file configuration, and not merely to the tag name *per se*.

The Yamada et al. technique involves storing one or more classification codes with each captured image. See Yamada et al. at paragraph [0006]. The classification codes are stored separately from the images, but in a manner that allows association of one or more of the codes with each of the images. For example, with

reference to FIG. 2 of Yamada et al., the classification codes are stored in a queue track 14a of a floppy disk 14 with the corresponding images being stored elsewhere on the floppy disk 14. In order to retrieve particular images having certain classification codes associated therewith, an entered classification code is used as an index into the queue track 14a, and if that code is found in the queue track 14a, the corresponding stored image(s) from elsewhere on the floppy disk 14 are retrieved. See Yamada et al. at paragraph [0011]. Accordingly, Yamada et al. do retrieve stored images without using an arrangement of the type claimed, that is, without using an arrangement involving generation of a separate tag name file with storage of multiple image files into the separate tag name file. Yamada et al. simply associate one or more classification codes with each stored image, and use a classification code matching process to retrieve particular images having a specified classification code. Such an approach does not involve the use of separate tag name files that each contain multiple images as claimed.

It should also be noted that the use of the classification code matching process in Yamada et al. is a direct teaching away from the claimed arrangements. The claimed invention recites a particular tag name file configuration, but Yamada et al. do not generate such tag name files and instead rely on separate storage of one or more classification codes in association with each stored image. The proposed combination of Yamada et al. and Sarbadhikari therefore not only fails to teach or suggest the claimed arrangements, it actively teaches away from them.

The Examiner at page 6, paragraph 1, of the Answer further relies on the storage arrangement illustrated in FIG. 11 and paragraphs [0015] and [0018] of Yamada et al. However, this arrangement, like the FIG. 2 arrangement, simply associates one or more classification codes with each stored image, and relies on a classification code matching process to reproduce particular stored images. As described in paragraph [0019], a user enters one or more classification codes, and a CPU determines which of the stored images have classification codes which match the entered classification code(s). Again, there is no generation of a separate tag name file with storage of multiple image files into the separate tag name file. Each stored image in Yamada et al. simply has its own classification code(s) which are used to retrieve that image.

Finally, Applicants note that the Examiner at page 6, paragraphs 2 and 3, of the Answer asserts that certain arguments presented in the Supplemental Appeal Brief are not based on actual claim language. Applicants believe this assertion to be without merit. Each of the independent claims clearly recites that each tag name file stores two or more image files. If there are in fact two or more image files in a given tag name file, surely one can state that the multiple image files are combined into that tag name file.


For the reasons identified above and in the previously-filed Appeal Brief and Supplemental Appeal Brief, Applicants respectfully submit that the §103(a) rejections are improper and should be withdrawn.

It is believed that the claims in the application are allowable over the prior art and such allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this communication is enclosed.

Respectfully submitted,



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